

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANK BRETT,	:	CIVIL ACTON NO. 1:15-CV-2366
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
U.S. MARSHAL LOUIS RODRIGUEZ,	:	
<i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 12th day of July, 2016, upon consideration of the report (Doc. 9) of Magistrate Judge Karoline Mehalchick, recommending that the court dismiss the constitutional claims of *pro se* plaintiff Frank Brett (“Brett”) as legally frivolous for failure to state a claim for which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), (see Doc. 4 at 4-6), and dismiss said claims with prejudice as leave to amend would be futile, (id. at 7 (citing Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002))), and further recommending that the court decline to exercise supplemental jurisdiction over Brett’s remaining state law claims, (see id. at 6-7), and it appearing that Brett did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F.

Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int'l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Mehalchick’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 9) of Magistrate Judge Mehalchick is ADOPTED.
2. Brett’s complaint (Doc. 6) is DISMISSED. Brett’s federal claims are dismissed with prejudice. Brett’s state law claims are dismissed without prejudice to the right to refile same in state court.
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania